

**MADISON ZONING BOARD OF ADJUSTMENT AND APPEALS**  
**MINUTES OF THE JANUARY 6, 2015 ANNUAL ORGANIZATIONAL AND REGULAR MEETING**

The City of Madison Zoning Board of Adjustment and Appeals held its annual organizational and regularly scheduled monthly meeting on January 6, 2015 in the City Council Chambers of the Madison Municipal Complex located at 100 Hughes Road, Madison, Alabama. Board Chair Betty Fletcher, called the meeting to order at 5:30 P.M. and attendance was as follows:

<b>Betty Fletcher, Chairperson</b>	<b>Present</b>
<b>Christopher Lindsey, Vice-Chair</b>	<b>Absent</b>
<b>Mary Hudson</b>	<b>Present</b>
<b>John Horch</b>	<b>Present</b>
<b>Ted Whitney</b>	<b>Present</b>
<b>Supernumeraries</b>	
<b>Wesley Alford</b>	<b>Absent</b>
<b>Larry Mason</b>	<b>Present</b>

**City Staff Present:** Johnny Blizzard, Senior Planner; Ross Ivey, Assistant Planner; Sherri Williams, Assistant Planner and Board Secretary

**Public Attendees (as registered):** Rosemary Hunt; Traweek Dickson; Peter Sidhu; Mike Johnson; Terry K. Ikard; Mark Benner

Mrs. Fletcher read aloud, this Board is composed of five persons, with two supernumeraries, is empowered by the Alabama State Legislature, but appointed by the City Council and charged with hearing petitions for relief from a literal and strict application of the Zoning Code. Cases are heard in the order in which they are filed. Motions are made in the positive and each case requires a positive vote of at least four members. (A simple majority will not approve an action). The burden of proof for Variances and Special Exceptions rests with the petitioner. Any party aggrieved by any decision of this Board may within fifteen days, file a written notice of appeal to the Circuit Court.

In the absence of five (5) members, Mrs. Fletcher requested Supernumerary Larry Mason to move into a voting position.

## II. Approval of Minutes

The first order of business was the approval of minutes from the October 2, 2014 regular meeting. Mrs. Fletcher asked Board members for requested changes and/or corrections, if any. Board members did not request changes or corrections and Mrs. Fletcher entertained a motion.

**Motion:** Mr. Whitney moved to approve the minutes of the October 2, 2014 regular meeting, as written. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Aye
Mary Hudson	Aye
John Horch	Aye
Ted Whitney	Aye
Larry Mason	Aye

**Motion Carried.**

## III. Election of 2015 Officers

- a. **Chair:** Mary Hudson nominated Betty Fletcher as 2015 Chair. There being no other nominations, nominations were closed and Mrs. Fletcher was appointed by acclamation. Mrs. Fletcher thanked board members for their continued support and faith in her ability to lead.
- b. **Vice-Chair:** Larry Mason nominated Chris Lindsey as 2015 Vice-Chair. There being no other nominations, nominations were closed and Mr. Lindsey was appointed by acclamation.

## IV. Petitions and Formal Requests for Action

*The order in which the petitions were heard was changed from the agenda to allow additional time for those representing case number 1105 to arrive.*

- a. **Case #1106, Tract 1 of the Twin City Subdivision, 2nd Addition;** *Traweek Dickson and Rosemary Hunt, a request for a Special Exception to allow the performance of motorized vehicle service, mechanical or body repair in the Restricted Industrial (M-1) Zoning District, as stipulated in City of Madison Zoning Ordinance, Section 4-9-2. This*

*Special Exception request is in accordance with Section 10-4 of the Zoning Ordinance.*

**Request:** Applicants appeared and presented the request stating they wish to construct a new Joe Hudson Collision Center on a lot fronting Madison Blvd. There are currently 23 other locations and two (2) centers in Huntsville. Information about the center, including photos of buildings at other locations, were distributed for review. Rosemary Hunt stated the company is sensitive to development, design and landscaping and is open to input. Screening/fencing is important to the company for safety reasons and aesthetics. Mr. Dickson stated that Huntsville stores services approximately 150 vehicles a month and that the damaged cars are parked behind the building, screened by fencing. Their customer base is predominately derived from insurance claims and the cars are seven (7) years old or newer.

**Board Comments:** Board members raised questions about parking, traffic, compatibility with surrounding businesses and other uses permitted in the M-1 District. Johnny Blizzard stated that the new building and the site will be reviewed by the Technical Review Committee for zoning and building code compliance, including parking and ingress/egress. The building façade, parking lot, fencing, lighting, signage, etc. will be reviewed.

**Public Comments:** Planning Staff stated they received neither emails nor phone calls objecting to the request. Mark Benner stated a Special Exception had been approved for this use in the past.

**Staff Comments:** Staff recommended approval of the requested Special Exception, as defined in *City of Madison Zoning Ordinance Section 4-9-2(2)*, to allow a motorized vehicle service, mechanical or body repair shop, in the Restricted Industrial, *M-1 Zoning District* with the following contingencies:

1. Plans for development are compliant with all applicable zoning building and fire codes;
2. Plans for development (site plan) must be submitted within six (6) months;
3. The Special Exception will apply to the currently proposed use and will not be transferable.

**Motion:** Mr. Whitney moved to approve case number 1106, a request for a Special Exception to allow the performance of motorized vehicle service, mechanical or body repair in the Restricted Industrial (M-1) Zoning District, as stipulated in City

of Madison Zoning Ordinance, Section 4-9-2. This Special Exception request is in accordance with Section 10-4 of the Zoning Ordinance, pending the satisfaction of Planning Staff's recommendation:

1. Plans for development are compliant with all applicable zoning building and fire codes;
2. Plans for development (site plan) must be submitted within six (6) months;
3. The Special Exception will apply to the currently proposed use and will not be transferable.

Mr. Mason seconded the motion and the vote was as follows:

<b>Betty Fletcher</b>	<b>Aye</b>
<b>Mary Hudson</b>	<b>Aye</b>
<b>John Horch</b>	<b>Aye</b>
<b>Ted Whitney</b>	<b>Aye</b>
<b>Larry Mason</b>	<b>Aye</b>

**Motion Carried.**

- b. *Case #1105, 375 Hughes Road; Premier Kings of North Alabama, a request for a Variance to City of Madison Zoning Ordinance Section 7-5-3(2) to allow an attached accessory sign on a secondary (south) elevation of the building. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance.***

**Request:** Applicant appeared and presented the request stating that the Burger King branding and signage is being changed nationwide and it is their desire to upgrade the signage on the restaurant on Hughes Road. The building is long and narrow with the main entrance on the south elevation. The front of the restaurant faces Hughes and a sign has been installed on that elevation. Renderings of the proposed signage were distributed for review. Applicant stated the absence of a sign might imply the same products are not available at this location or that customers will not be able to locate the restaurant when traveling on Hughes Road.

**Board Comments:** Board members questioned the necessity for the additional sign when a ground sign is on site and an attached sign already exist on the front of the building. Board members and staff discussed current signage regulations and nearby signage.

**Public Comments:** Planning Staff stated they received neither emails nor phone calls objecting to the request.

**Staff Comments:** Staff recommends denial of the applicant's request for a Variance to Section 7-5-3(2), to allow an attached accessory sign on the secondary (south) elevation of the building.

**Motion:** Mr. Whitney moved to approve case number 1105, a request for a Variance to City of Madison Zoning Ordinance Section 7-5-3(2) to allow an attached accessory sign on a secondary (south) elevation of the building. This request is in accordance with Section 10-5 of the City of Madison Zoning Ordinance. Dr. Horch seconded the motion and the vote was as follows:

Betty Fletcher	Nay
Mary Hudson	Aye
John Horch	Nay
Ted Whitney	Nay
Larry Mason	Aye

**Motion Failed.**

#### **V. Old Business**

Mrs. Fletcher asked Board members and Staff if there were any items of Old Business to discuss. There being none, Mrs. Fletcher closed the floor to old business.

#### **VI. Other Business**

Mrs. Fletcher asked Board members and Staff if there were any items of Other Business to discuss. There being none, Mrs. Fletcher closed the floor to old business.

#### **VII. Adjournment**

With no further business before the board, Mrs. Fletcher adjourned the meeting at 6:25 P.M.

Approved:



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Betty Fletcher, Chairperson

Attest:



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Sherri Williams, Recording Secretary